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To:	United States Patent and Trademark Office	From:	Nicole A. Valdivieso, Esq.
Attn:	Art Unit 3727	Pages:	8 (Including Cover Page)
Fax:	571-273-8300	Date:	February 1, 2007
Re:	In the Application of: BROWN et al. Serial No. 10/730,181 Group Art Unit: 3727 Filed: December 8, 2003 Examiner: H. Grosso	CC:	
For: SECONDARY CONTAINMENT SYSTEM FOR LIQUID STORAGE TANK			

☐ Urgent      ☒ For Review      ☐ Please Comment      ☐ Please Reply

● Message:

Please see attached. Thank you.

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FEB 01 2007

Attorney Docket No. 10038-1-5810

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application or Patent of:

BROWN et al.

Art Unit: 3727

Serial or Patent No.: 10/730,181

Filed: December 8, 2003

Examiner: H. Grosso

For: SECONDARY CONTAINMENT SYSTEM FOR  
LIQUID STORAGE TANKSCommissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the following papers are being facsimile transmitted to the United States Patent and Trademark Office to facsimile number ( 571 ) 273 - 8300 on the date shown below:

Item No.	No. of Pages	Description
1	1	General Transmittal (PTO/SB/21) (In duplicate)
2	2	SUPPLEMENT TO PETITION UNDER 37 C.F.R. § 1.137(b) TO ACCEPT LATE PAYMENT OF ISSUE FEE OR, IN THE ALTERNATIVE, TO REVIVE AN ABANDONED APPLN.
3	1	Power of Attorney and Correspondence Indication Form (PTO/SB/81)
4	1	Statement Under 37CFR 3.73(b) (PTO/SB96) Executed 11/16/2006 (MM/DD/YYYY)

February 1, 2007


Date

Amy J. Snyder


Typed or printed name of person signing certification


Signature


FEB 01 2007

Please type a plus sign (+) inside this box → 

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/730,181	
	Filing Date	December 8, 2003	
	First Named Inventor	Brown et al.	
	Group Art Unit	3727	
	Examiner Name	H. Grosso	
Total Number of Pages in This Submission	5	Attorney Docket Number	10038-1-5810

ENCLOSURES <i>(check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> SUPPLEMENT TO PETITION UNDER 37 C.F.R. § 1.137(b), PTO/SB/81 Form, PTO/SB96 Form, & Certificate of Transmission
Remarks The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16, or credit any overpayment to Account No. 502725. A duplicate copy of this sheet is enclosed.		USPTO Cust. No.  <b>26135</b> PATENT TRADEMARK

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Nicole Valdivieso 47,289
Signature	
Date	February 1, 2007

CERTIFICATE OF TRANSMISSION/EXPRESS MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Comm. for Patents, P.O. Box 1460 Alexandria, VA 22313.			
Typed or printed name	Amy J. Snyder	Express Mail Label No.	VIA FACSIMILE
Signature		Date	February 1, 2007


Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/730,181	
	Filing Date	December 8, 2003	
	First Named Inventor	Brown et al.	
	Group Art Unit	3727	
	Examiner Name	H. Grosso	
Total Number of Pages in This Submission	5	Attorney Docket Number	10038-1-5810

ENCLOSURES <i>(check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): SUPPLEMENT TO PETITION UNDER 37 C.F.R. § 1.137(b), PTO/SB/81 Form, PTO/SB96 Form, & Certificate of Transmission
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Nicole Valdivieso 47,289
Signature	<i>Nicole Valdivieso</i>
Date	February 1, 2007

CERTIFICATE OF TRANSMISSION/EXPRESS MAILING			
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Typed or printed name	Amy J. Snyder	Express Mail Label No.	VIA FACSIMILE
Signature	<i>Amy J. Snyder</i>	Date	February 1, 2007

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## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: BROWN et al. )  
Serial No. 10/730,181 ) Group Art Unit: 3727  
Filed: December 8, 2003 ) Examiner: H. Grosso  
For: SECONDARY CONTAINMENT SYSTEM FOR LIQUID STORAGE  
TANKS

**SUPPLEMENT TO PETITION UNDER 37 C.F.R. § 1.137(b) TO ACCEPT LATE  
PAYMENT OF ISSUE FEE OR, IN THE ALTERNATIVE, TO REVIVE AN  
ABANDONED APPLICATION FOR UNINTENTIONAL ABANDONMENT OF  
PATENT APPLICATION FOR FAILURE TO PAY ISSUE FEE**

Mail Stop Petition  
Attention: Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Please accept this as a supplement to the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) filed by John R. Toscano on January 26, 2007. It should be noted that the Petition and Issue Fee were filed only by, and on behalf of, John R. Toscano, the assignee of the entire, right, title and interest of the inventor David Alan Meaux. The inventor Troy Alan Brown did not approve or sign the Petition or Issue Fee payment. Of record in the patent application file and also enclosed herewith is a Statement Under 37 C.F.R. 3.73(b) signed by John Toscano identifying his interests in the application.

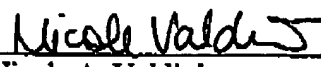
There is pending litigation regarding the validity of all of the assignments recorded in the 10/730,181 application. John R. Toscano filed this Petition in order to preserve his rights as an assignee in and to the allowed claims of the 10/730,181 application.

We also enclose a Power of Attorney, which only pertains to John R. Toscano. Counsel associated with Customer Number 26135 should only be listed as the attorneys for John Toscano, the assignee of rights of only the second inventor, David Alan Meaux.

Please contact the undersigned or John R. Toscano at 954-524-2809 should there be any questions with respect to the Petition or this Supplement.

Respectfully submitted,

Dated: February 1, 2007

  
Nicole A. Valdivieso  
Registration No. 47,289  
navaldivieso@lfiplaw.com

LOTT AND FRIEDLAND, PA  
P.O. Box 141098  
Coral Gables, FL 33114-1098  
305-448-7089 (phone)  
305-446-6191 (fax)

37 C.F.R. § 1.10 Certificate of Fax

I hereby certify that this correspondence is being faxed to 571-273-8300, the Office of Petitions at the Patent and Trademark Office, on the date indicated below.

  
Amy J. Snyder

Date: February 1, 2007

PTO/SB/01 (01-06)

Approved for use through 12/31/2006, OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# **POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM**

Application Number	10/730,181
Filing Date	12/08/2003
First Named Inventor	Brown, Troy
Title	Secondary Containment System for
Art Unit	3727
Examiner Name	H. Grosco
Attorney Docket Number	10038-1-5810

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☒ Practitioners associated with the Customer Number:

26135

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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Country

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Email

I am the:

☐ Applicant/Inventor. a partial

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature	<i>John Toscano</i>	Date	2-1-2007
Name	John Toscano	Telephone	
Title and Company	Individual		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: JOHN TOSCANOApplication No./Patent No.: 10/730,181 Filed/Issue Date: DECEMBER 3, 2003Entitled: SECONDARY CONTAINMENT SYSTEM FOR LIQUID STORAGE TANKSJOHN TOSCANO

(Name of Assignee)

INDIVIDUAL

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☒ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is 10 %

In the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 017843, Frame 0722, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.02)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

John Toscano  
Signature

JOHN TOSCANO

Printed or Typed Name

11/16/06

Date

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or maintain a benefit by the public which is to the (and by the USPTO in processing an application). Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEE OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

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PAGE 3/3 \* RCVD AT 11/17/2006 4:14:56 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-2/16 \* DNIS:2738300 \* CSID:+9549251101 \* DURATION (mm-ss):01-10

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